

**CCDLA**  
**"READY IN THE DEFENSE OF LIBERTY"**  
**FOUNDED IN 1988**

Connecticut Criminal Defense  
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March 11, 2013

Hon. Eric D. Coleman, Co-Chair  
Hon. Gerald M. Fox, Co-Chair  
Joint Committee on Judiciary  
Room 2500, Legislative Office Building  
Hartford, CT 06106

Re: Raised Bills 6581, 1062, and 6582

Dear Chairmen Coleman and Fox:

CCDLA is a not-for-profit organization of more than three hundred lawyers who are dedicated to defending persons accused of criminal offenses. Founded in 1988, CCDLA is the only statewide criminal defense lawyers' organization in Connecticut. An affiliate of the National Association of Criminal Defense Lawyers, CCDLA works to improve the criminal justice system by insuring that the individual rights guaranteed by the Connecticut and United States constitutions are applied fairly and equally and that those rights are not diminished.

CCDLA supports Raised Bills 6581, 1062, and 6582.

With respect to Raised Bill 6581, An Act Concerning the Recommendations of the Connecticut Sentencing Commission Regarding Lengthy Sentences for Crimes Committed by a Child or Youth, which is intended to provide for automatic review of sentences of ten years or more served by persons who were under eighteen years of age when they committed their crimes, scientific and social studies demonstrate that the teenage brain is not fully developed. It is immature, and by nature more susceptible to impulsivity and impassioned behavior than an adult brain.<sup>1</sup> Society's imposition of various restrictions on young people, such as voting, driving, and drinking ages, demonstrates that we do not recognize teenagers and young people under a certain age, as having sufficient judgment or control to take on these responsibilities. While the teenage brain is developing, it presents the remarkable ability to change and mature. Requiring a person to serve the majority of a lengthy sentence or a lifelong sentence based on a snapshot of who they were as a teenager, ignores the probability that they will change significantly as they reach adulthood.

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<sup>1</sup> Luna, Beatriz, *The Relevance of Immaturities in the Juvenile Brain to Culpability and Rehabilitation*, HASTINGS LAW JOURNAL [Vol. 63:1469].

The members of CCDLA have represented countless young people charged with serious felony offenses, some with the most serious. We do not always have the opportunity to see how they all turn out, whether they receive lengthy sentences or not, but we do know where many of these young people started. The majority of young people who I have represented who were convicted of serious felony offenses and are serving lengthy sentences, did not have a chance to begin with. Born into families where their mothers were children themselves, or where the family unit was decimated by addiction and crime, these children never learned another way of life. We, as a society, cast them out because of the gravity of their offenses, but we have failed to look at the whole picture.

Accountability for a child has to be different from accountability as an adult. Our laws protecting children bear this out. The age of consent for sexual intercourse in Connecticut is 16, yet somehow we think a 14 year old is culpable and mature enough to receive a life sentence. If we believe that children are not able to make reasoned and responsible judgments related to their bodies, driving, voting, and drinking, before attaining the ages of 16, 18 and 21, respectively, how can we assume that their judgment and culpability are comparable to those of an adult when they commit a crime?

The proposed bill gives these young people another chance at life. To live as mature, responsible, and productive members of society after demonstrating that they can do so without violating the law.

CCDLA also supports Raised Bill 1062, An Act Regarding the Sentencing of a Child Convicted of a Felony Offense, which amends the Connecticut General Statutes to comply with Miller v. Alabama, 132 S. Ct. 2455 (2012) with respect to the sentencing of children under the age of 18. A sentencing court is obligated to consider, not only the nature and circumstances of the offense, but the characteristics and circumstances of the offender, whether they be a child or an adult. Codification of Miller v. Alabama ensures that courts adhere to that obligation with respect to children, and requires courts to recognize that the criminal conduct of children may be mitigated by a number of considerations including age at the time of offense, history of trauma, abuse or neglect, mental illness or substance abuse, intellectual capacity, educational background, etc. Certainly, courts may consider these factors with adults, but Raised Bill 1062 ensures that courts consider these factors when sentencing a child.

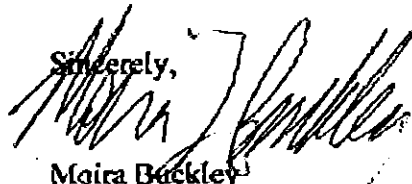
The United States Supreme Court has long recognized that children are different, "[they] have diminished culpability and greater prospects for reform, ... [they] have a lack of maturity and an undeveloped sense of responsibility, ... [and] a child's character is not as well formed as an adult's . . ." Roper v. Simmons, 543 U.S. 551, 569-570 (2005). Raised Bill 1062 demonstrates recognition of the difference between an adult and juvenile offender, and allows for the consideration of mitigating factors in sentencing children based on those differences.

Finally, CCDLA supports the passage of Raised Bill 6582, an Act Concerning Certificates of Rehabilitation, which reduces the barriers faced by individuals with prior criminal convictions to employment, licensing, and public housing. Unemployment and homeless increase the likelihood that an individual will recidivate. Reducing the hurdles to employment

and housing, in the right circumstances, will only benefit society by giving these individuals the ability to support themselves and reintegrate themselves into society.

Please contact me if you have any questions regarding our position on these bills. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Moira Buckley', written over the word 'Sincerely,'.

Moira Buckley  
President - CCDLA  
(860) 724-1325

